

Senate Bill 401

By: Senators Parent of the 42nd, Orrock of the 36th, Millar of the 40th and Fort of the 39th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-7-131 of the Official Code of Georgia Annotated, relating to
2 proceedings upon a plea of insanity or mental incompetency at the time of a crime, so as to
3 change the standard of proof when a defendant pleads guilty but mentally retarded; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 17-7-131 of the Official Code of Georgia Annotated, relating to proceedings
8 upon a plea of insanity or mental incompetency at the time of a crime, is amended by
9 revising paragraph (3) of subsection (c) as follows:

10 "(3) The defendant may be found 'guilty but mentally retarded' if the jury, or court acting
11 as trier of facts, finds beyond a reasonable doubt that the defendant is guilty of the crime
12 charged and by a preponderance of the evidence that the defendant is mentally retarded.
13 If the court or jury should make such finding, it shall so specify in its verdict."

14 style="text-align:center">**SECTION 2.**

15 All laws and parts of laws in conflict with this Act are repealed.